

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Lynchburg Division)**

CLERKS OFFICE US DISTRICT COURT
AT ROANOKE, VA
FILED

January 30, 2025

LAURA A. AUSTIN, CLERK
BY: /s/ S. Wray
DEPUTY CLERK

SARAH BROGGIN,

Plaintiff,

v.

Case No. 6:25CV00013

ATLANTIC HOUSING FOUNDATION, INC. d/b/a
WATERS AT JAMES CROSSING APARTMENTS,

and

ATLANTIC HOUSING MANAGEMENT, LLC

and

YVONNE BAXTER, individually and as agent to
Waters at James Crossing Apartments,

Defendants.

NOTICE OF REMOVAL

Defendant Atlantic Housing Foundation, LLC (“AHF”), improperly named “Atlantic Housing Foundation, Inc. d/b/a Waters at James Crossing Apartments,” by counsel, hereby gives Notice of Removal of the above-styled caption to the United States District Court for the Western District of Virginia, Lynchburg Division, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. As grounds for removal, AHF states as follows:

PROCEDURAL HISTORY

1. On or about August 5, 2024, Plaintiff Sarah Broggin (“Plaintiff”) filed a Complaint (the “Complaint”) in the Circuit Court of Campbell County, Virginia, in the case captioned *Sarah Broggin v. Atlantic Housing Foundation Inc. d/b/a Waters at James Crossing Apartments, Atlantic Housing Management, LLC and Yvonne Baxter, individually and as agent to Waters at James Crossing Apartments*, Case No. CL24-1325.

2. Plaintiff served her Summons and Complaint on the registered agent of Atlantic Housing Foundation, Inc.¹ (“AHF”) on or about January 2, 2025. The Summons and Complaint are attached hereto as **Exhibit 1**.

3. No other pleadings, documents or orders have been served upon AHF.

4. No Defendant has appeared or filed responsive pleadings in the State Court Action. There has been no discovery conducted to date.

BASIS OF REMOVAL

5. This action is being removed pursuant to 28 U.S.C. § 1441(b) and 1446. The Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because the alleged amount in controversy exceeds the sum of \$75,000 and complete diversity of citizenship exists between the parties to this lawsuit.

6. Plaintiff alleges that she is a citizen of the Commonwealth of Virginia. (Ex. A at 2.)

7. Atlantic Housing Foundation Inc. (“AHF”), improperly named as “Atlantic Housing Foundation Inc., d/b/a Waters at James Crossing Apartments” is a non-profit corporation incorporated in South Carolina with its principal place of business in Texas. Therefore, is a citizen of South Carolina and Texas for diversity purposes. 28 U.S.C. § 1332(c)(1). *See generally Hertz Corp. v. Friend*, 559 U.S. 77, 130 S. Ct. 1181 (2010). AHF has no d/b/a entity known as “Waters at James Crossing Apartments.”

8. Atlantic Housing Management (“AHM”) is a limited liability company formed in Texas. The sole member, Atlantic Housing Foundation, Inc., is a resident South Carolina and Texas. Therefore, it is a citizen of the states of South Carolina and Texas for diversity purposes. 28 U.S.C. § 1332(c)(1). *See generally Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990).

9. Yvonne Baxter is a resident of North Carolina.

¹ Defendant contends that the entity Atlantic Housing Foundation, Inc. is not a proper defendant in this action. Atlantic Housing Foundation, Inc. is a 501(c)(3) organization. Atlantic Housing Management, Inc., manages the property known as the Waters at James Crossing.

10. The Prayer for Relief in Plaintiff's Complaint alleges damages in excess of \$75,000; therefore, this action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. §§ 1332 and 1441. *See* Ex. A at 15.

COMPLIANCE WITH REMOVAL STATUTES

11. This Notice of Removal is timely because it is filed within 30 days after service of the Summons and Complaint, as required by 28 U.S.C. § 1446(b)(1).

12. Venue for this removal is proper under 28 U.S.C. § 1441(a) because this Court sits in the United States District for the district and division encompassing Campbell County where the Plaintiff filed the State Court Action.

13. AHF is not aware of proper service on Yvonne Baxter, and therefore, is not required to receive consent for the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(A). AHM consents to this removal. No party has appeared or filed responsive pleadings in the State Court Action.

14. AHF is promptly providing written notice of the filing of this Notice of Removal to Plaintiff's counsel and AHF will file a copy of this Notice with the Circuit Court for Campbell County.

CONCLUSION

WHEREFORE, for the foregoing reasons, Atlantic Housing Foundation, Inc. removes this matter to this Court pursuant to the provisions of 28 U.S.C. §§ 1332 and 1441.

Respectfully submitted,



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*Counsel for Defendant Atlantic Housing Foundation,
Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January 2025, a true and accurate copy of the forgoing has been served, via electronic mail and US Mail upon the following:

Christopher Getty (VSB No. 96436)
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Counsel for Plaintiff

A handwritten signature in blue ink, appearing to read 'Heather M. Fields', is written over a horizontal line.

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